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*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,  
JEREMY DAVIS, CHRISTOPHER  
CASTILLO, and MONIQUE TRUJILLO  
individually and on behalf of all other similarly  
situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

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Case No.: 4:20-cv-03664-YGR-SVK

**[PROPOSED] ORDER DENYING MOTION  
TO INTERVENE AND TO CONTINUE THE  
FINAL APPROVAL HEARING (DKT. 1116)**

Judge: Hon. Yvonne Gonzalez Rogers

Date: August 7, 2024

Time: 2:30 p.m.

Location: Courtroom 1 – 4th Floor

**[PROPOSED] ORDER**

Before the Court is a motion to intervene and to continue the final approval hearing date. The Moving Parties seek to intervene in this action as of right under Rule 24(a) or, in the alternative, request that this Court grant them permission to intervene under Rule 24(b). The Moving Parties have not demonstrated a significant protectable interest in the outcome of the 23(b)(2) Settlement and there is no risk that the Moving Parties' interests will be impeded by the Settlement. Indeed, because "no [damages] class has been certified anywhere, [the Moving Parties] ha[ve] no right to control the litigation and disposition of any [damages] claim[s] other than [their] own." *Calderon v. Clearview AI, Inc.*, 2020 WL 2792979, at \*5 (S.D.N.Y. May 29, 2020) (denying motion to intervene, and citing numerous examples of other courts denying motions to intervene where the moving parties were putative class members). The Moving Parties' effort to intervene is also untimely as the Court's decision to not certify a 23(b)(3) class was over a year and a half ago and the Ninth Circuit's denial of Plaintiffs' 23(f) petition was more than one year ago. *See Allen v. Bedolla*, 787 F.3d 1218, 1222 (9th Cir. 2015) ("We are not persuaded that [intervenors'] motion was timely, because the motion was filed after four years of ongoing litigation, on the eve of settlement . . ."); *see also CE Design Ltd. v. King Supply Co.*, 791 F.3d 722, 726 (7th Cir. 2015) ("At th[is] late stage the only object of the intervention could be to block the settlement and put the class action suit back where it had been in 2009. So gratuitous an extension of a multi-year litigation should not be encouraged.").

Permissive intervention is also inappropriate here as the Court does not have jurisdiction over the Moving Parties and the deadline for any removal has passed. *See Donnelly v. Glickman*, 159 F.3d 405, 412 (9th Cir. 1998) ("An applicant who seeks permissive intervention must prove ... the court has an independent basis for jurisdiction over the applicant's claims."). Moreover, it would also cause undue delay and prejudice to the existing parties. *See id.*

There is also no basis to delay the final approval hearing. The Moving Parties do not object to the terms of the Settlement and the other documents they request are not relevant to evaluating the merits of the Settlement. Plaintiffs have already provided the Moving Parties a copy of the Tolling Agreement, and whether the Moving Parties may access some discovery adduced in this litigation

1 may be resolved without impacting the Settlement or delaying the final approval hearing. Thus, the  
2 approval hearing should go forward.

3 Having fully considered the matter and finding the Moving Parties have failed to sufficiently  
4 and persuasively state the reasons for their requests, the Court **DENIES** the motion.

5  
6 **IT IS SO ORDERED.**

7  
8 DATED: \_\_\_\_\_

\_\_\_\_\_  
Honorable Yvonne Gonzalez Rogers  
United States District Judge